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OF TRUSTEES OF THE CALIFORNIA
7 STATE UNIVERSITY (incorrectly sued
as "CALIFORNIA STATE UNIVERSITY
8 FULLERTON") and DAVID FORGUES

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

12 KATIE CAPPUCCIO,

13 Plaintiff,

14 v.

15 CALIFORNIA STATE UNIVERSITY,
16 FULLERTON, and DAVID
FORGUES, in his individual capacity
17 and office capacity as Vice President of
Human Resources,

18 Defendants.
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Case No. 8:23-cv-02026-FWS-DFM

**CSU'S REQUEST FOR JUDICIAL
NOTICE OF PUBLIC HEALTH
ORDERS FOR TRIAL**

Pretrial Conf.: July 17, 2025
Time: 8:30 a.m.
Trial August 19, 2025

Judge: Hon. Fred W. Slaughter
Crtrm.: Santa Ana, 10D
Magistrate: Douglas F. McCormick
Crtrm: Santa Ana, 6B

**EXEMPT FROM FEES
GOVT. CODE § 6103**

1 **REQUEST FOR JUDICIAL NOTICE**

2 As provided by Federal Rule of Evidence 201, Defendant the Board of
3 Trustees of the California State University (“CSU”), by and through its attorneys of
4 record, hereby requests that the Court take judicial notice of the following matters of
5 public record for purposes of trial:

6 **Trial Exhibit 59** – California Department of Public Health State Public
7 Health Officer Order dated September 13, 2021 Re Health Care
8 Worker Protections in High-Risk Settings. (CSU 001917-
9 001924) (Declaration of Heather C. Davis (“Davis Decl.”) 1:8-
10 17; Ex. 59).

11 **Trial Exhibit 99** - California Code of Regulations, Title 8, Section
12 3205, COVID-19 Prevention dated June 17, 2021 (Cal OSHA
13 Emergency Temporary Standards. (CSU 001994-002004)
14 (Davis Decl. 1:17-26; Ex. 99).

15 **POINTS AND AUTHORITIES**

16 The Court may take judicial notice of facts that “can be accurately and readily
17 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R.
18 Evid. 201(b). “The Court . . . must take judicial notice if a party requests it and the
19 court is supplied with the necessary information.” *Id.* 201(c)(2). The Court has
20 authority to take judicial notice of facts at trial. Fed. R. Evid. 201 (d) (“Timing.
21 The court may take judicial notice at any stage of the proceeding.”)

22 State public health orders are the proper subject of judicial notice. *Calm*
23 *Ventures LLC v. Newsom*, 548 F.Supp.3d 966, 974 (C.D. Cal. 2021) (taking judicial
24 notice of multiple Covid-19 public health orders and notices). The Court in *Calm*
25 *Ventures LLC*, took judicial notice of similar California Covid-19 public health
26 orders finding them to be matters of public record. *Id.* The Court may do the same
27 here with respect to Exhibit 59 (The July 2021 Department of Public Health Order)
28 and Exhibit 99 (Cal OSHA Emergency Temporary Standards). Both Exhibits are

1 matters of public record and are readily and publicly available online on official
2 California government websites. (Davis Decl. 1:8-26)

3 For these reasons, CSU respectfully asks the Court to take judicial notice of
4 Trial Exhibits 59 and 99 for the purposes of trial, and to allow CSU to offer an
5 appropriate jury instruction regarding these facts.

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7 Dated: June 18, 2025

QUARLES & BRADY LLP

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9 By: /s/ Heather C. Davis

10 CORRIE J. KLEKOWSKI

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